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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,098	06/25/2003	Kouichi Miyamoto	AA-594	2541

27752 7590 11/14/2005

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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CINCINNATI, OH 45224

EXAMINER

HILL, LAURA C

ART UNIT PAPER NUMBER

3761.

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,098

Applicant(s)

MIYAMOTO, KOUICHI

Examiner

Laura C. Hill

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/22/05
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

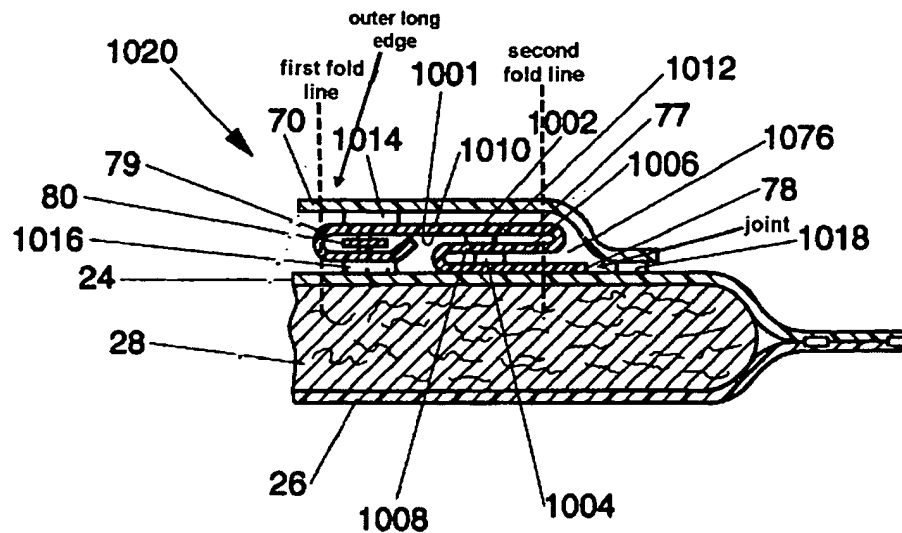
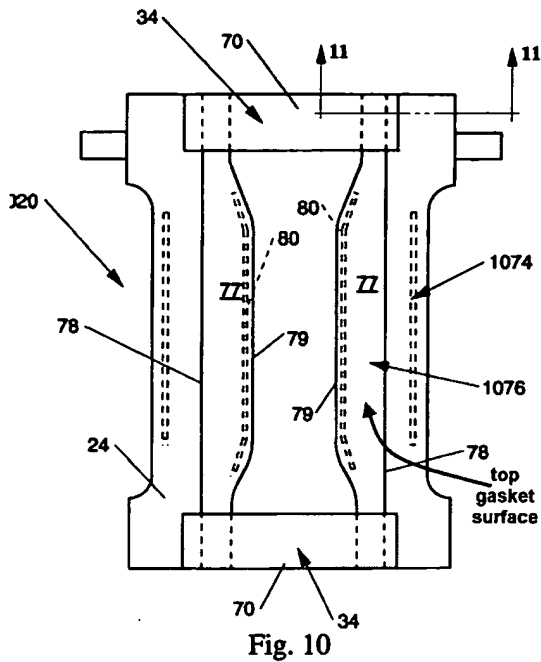
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

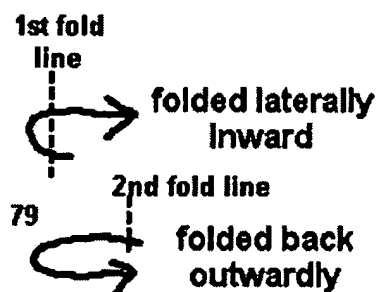
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Feist (US 6,142,985; herein 'Feist'). Regarding claims 1, 3, and 5-6 Feist discloses disposable absorbent diaper 20 with absorbent core 28 positioned between liquid pervious topsheet 24 and liquid impervious backsheet 26 (col. 5, ll. 55-61), an elasticized outer leg cuff 32 disposed adjacent a longitudinal edge of the article (col. 5, line 62 and figure 1), the outer leg cuff having a proximal flap base 78, distal flap 79, and a barrier/gasketing cuff-side flap 1076 supported by base 78 at a joint (col. 31, ll. 10-19, figures 10-11), the gasketing cuff-side flap 1076 being provided with elasticity and having a top gasket cuff surface, first segment/inner cuff 1004 extending laterally inward from the joint and second segment/outer cuff 1006 extending laterally outward from the joint (col. 31, ll. 30-36, figure 11);



Wherein, before use, the distal edge 79 of outer cuff 32 is folded laterally inwardly onto the inner surface/topsheet 24 of absorbent diaper 20 along a first folding line that is positioned on proximal flap 78 so that the top gasket cuff surface faces upwardly and the distal edge is folded back laterally outward along a second folding line that is positioned between the first folding line and the joint and adjacent the joint (figure



11 detailed in figure A).

Feist further discloses the Z-folded barrier cuffs provide effective BM containment in the back and good containment of body exudates in the crotch area of the disposable absorbent article (col. 31, ll. 1-5).

Regarding claim 2 Feist discloses an alternative embodiment of disposable absorbent article that is folded along a lateral direction to form a pant-type training pant 920 (col. 38, ll. 42-45 and figure 9).

Regarding claims 4 and 7 Feist discloses a first folding line positioned adjacent a longitudinal side edge of absorbent core 28 and an outer longitudinal edge positioned inboard of first folding line (figure 11).

Regarding claims 8-9 Feist discloses a third segment 1010 adjacent distal edge 79 of elasticized outer cuff being joined to topsheet 24 with an adhesive (col. 31, ll. 42-47).

Regarding claim 10 Feist discloses the elasticized outer leg cuff 32 is Z-folded and therefore capable of being generally T-shaped when viewed from a three-dimensional view (annotated figure 11).

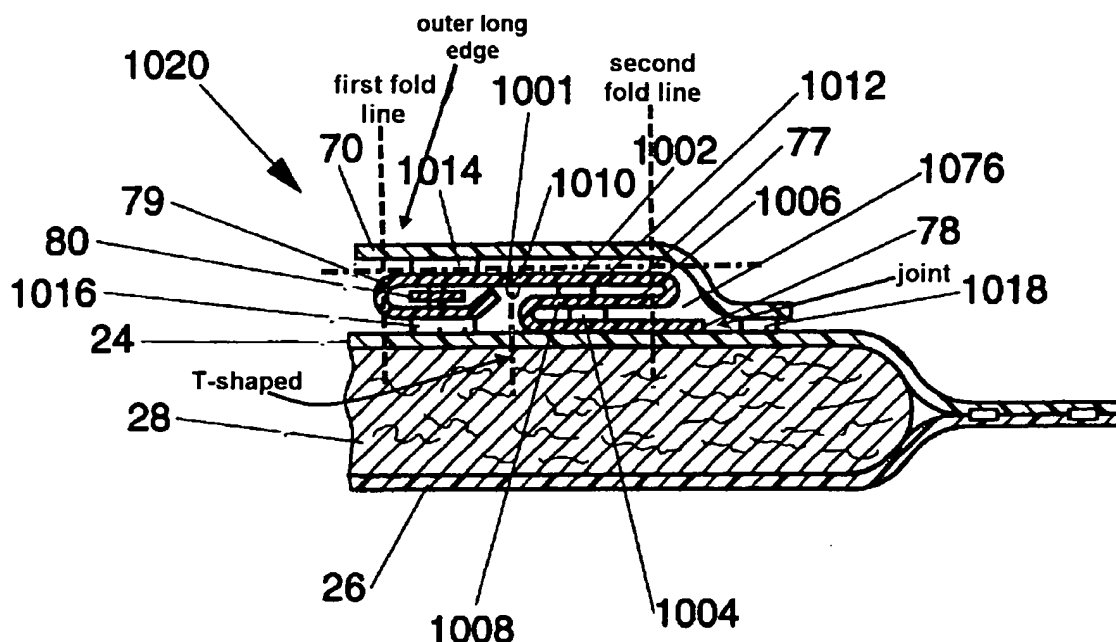


Fig. 11

If a prior art structure is capable of performing the intended use as recited in the preamble, then it meets the claim. See, e.g., *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997).

Response to Arguments

Applicant's arguments filed 22 September 2005 have been fully considered but they are not persuasive.

2. It is noted that the abstract of the disclosure was objected to (for containing 171 words) and not rejected under 35 USC 112, first paragraph as indicated in Applicant's response. Newly amended abstract has been entered.

3. In response to Applicant's argument that 'barrier cuff 1076 disclosed in Feist as relied on by the Office as anticipating claims 1-10 is an inner leg cuff and not an

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elasticized outer leg cuff disposed adjacent to the longitudinal side edge of the absorbent article as claimed' (see Remarks, page 4), it is noted that the terms 'inner' and 'outer' are relative terms and therefore the 'elasticized outer leg cuff' is not limited to being located on the outermost side portion of the diaper and the 'inner cuff' is not limited to being located on the innermost side portion as long as the inner cuff extends laterally inward from the joint and the outer cuff extends laterally outward from the joint. Furthermore, Feist discloses outer leg cuff 32 located on the outside of inner leg cuff 1004 (see non-final Office action, page 3).

4. In response to Applicant's argument that 'cuff 1076 does not have a base and a gasket cuff supported by the base at a joint of the base to the gasket cuff, much less an inner cuff extending laterally inwardly from the joint and an outer cuff extending laterally outwardly from the joint' (see Remarks, page 5), see non-final Office action rejection with respect to claim 1.

5. In response to Applicant's argument that 'it is not clear, how such configuration is capable of being generally T-shaped' (see Remarks, page 5), outer leg cuff 32 is Z-folded and therefore capable of being generally T-shaped as discussed above with respect to claim 10.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3761

Laura C. Hill
Examiner
Art Unit 3761

LCH

LCH

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

Tatyana



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/606,098

EXAMINER

ART UNIT	PAPER
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20051108

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Commissioner for Patents